

**ORDINANCE NO. 08-47**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA SUBMITTING TO THE ELECTORATE AT A SPECIAL ELECTION TO BE HELD DURING THE COUNTY-DESIGNATED PRIMARY ELECTION CONDUCTED IN THE CITY OF HIALEAH, FLORIDA ON TUESDAY, AUGUST 26, 2008, WHEREIN THE ELECTORS OF THE CITY OF HIALEAH, FLORIDA SHALL BE PRIVILEGED TO VOTE ON THE FOLLOWING QUESTION:

**CHARTER CHANGES TO ELECTION, ADMINISTRATIVE, LEGISLATIVE AND MAYOR AND CITY COUNCIL ARTICLES**

**"SHALL THE CITY AMEND ITS CHARTER CREATING CITIZENS BUDGET ADVISORY COMMITTEE; EXTENDING GENERAL ELECTION FROM ONE WEEK TO TWO WEEKS FROM PRIMARY ELECTION; REDEFINING RESIDENT ELECTORS TO MEAN RESIDENT VOTERS ASSIGNED TO VOTE IN A HIALEAH DISTRICT; PROVIDING ONE SWEARING-IN DATE EACH ELECTION CYCLE; REMOVING ORDINANCE REQUIREMENT FOR APPROVING LEASES; ELIMINATING TERM LIMITS FOR MAYOR AND COUNCILMEMBERS; UPDATING CHARTER LANGUAGE REGARDING PERSONNEL BOARD AND GENERALLY TO BE CONSISTENT WITH STATE LAW AND HIALEAH CODE?"**

REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CHARTER; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council and the Mayor present for referendum proposed changes to the Hialeah Charter, upon recommendation of the Charter Review Committee and upon public comment at the public meeting before the City Council and at a public meeting to receive public comment conducted at the JFK Library that convened on May 20, 2008; and

**WHEREAS**, at the meeting of May 27, 2008, the City Council accepted a suggestion from the Mayor to create a Citizens Budget Advisory Committee to submit comments and recommendations to the Mayor on the proposed annual budget prior to adoption; and

**WHEREAS**, the rationale and summary of the proposed changes to Article V. Elections is as follows:

**Revision of Section 5.01 Electors.**

The existing language provides that an elector of the city is a Florida elector registered to vote. The proposed language provides that an elector of the city is a Florida elector that is registered to vote in a Hialeah precinct. This revision will close a loophole that had allowed candidates for public office to reside in Hialeah one year prior to the primary date or election date, but were not required to be registered to vote in a Hialeah precinct during the one-year period. The purpose of this provision, when read in conjunction with Section 5.05 Qualifications, is to require candidates to not only have resided in the city but have been assigned a registration number to vote in the city for one year prior to the primary or election to which the candidate seeks office.

**Revision of Section 5.03. Primary elections.**

The existing language provides for a primary election to precede the general election by one week. The proposed language provides for the primary election to precede the general election by two weeks. The purpose of this law is to establish a time frame that reflects the practical reality of conducting elections in Miami-Dade County. Due to the programming of the new voting machines and the preparation and mailing of absentee ballots, the County Supervisor of Elections has required a minimum of 2 weeks between the dates of the primary election and the general election for municipalities. Accordingly, this revision will accomplish the goal of coordinating the date of the general election with the Miami-Dade County Supervisor of Elections, which is responsible for conducting the elections with Miami-Dade County.

**Revision of Section 5.04. General elections.**

The existing language provides that the date of the general election is one week after the date of the primary, which is the second Tuesday of November since the primary date is the first Tuesday of November. The proposed language provides the date of the general election to be two weeks after the primary election, which is the third Tuesday of November. In addition, the proposed language allows for additional flexibility by ordinance or state law to set a date exceeding two weeks, as in the example of the Order of the Governor in 2005 extending the date of the general election because of damage to voting precincts and disruptions to the voting process caused by Hurricane Wilma.

**Revision of Section 5.05. Qualifications.**

The existing language provides for candidates for public office to pay a \$100.00 filing fee. The proposed language provides that candidates for public office pay not only the \$100.00 filing fee but also the assessment of an amount equal to 1 percent of the annual salary of the office sought as required by section 99.093(1), Florida Statutes. The proposed language also provides that a candidate may be excused from payment according to state law. Section 99.093(2), Florida Statutes provides that a candidate is exempt from payment of the election assessment if unable to pay the election assessment without imposing an undue burden on personal resources or on resources otherwise available to the candidate. The purpose of this revision is to accurately reflect all fees and assessments that are due a candidate who seeks to qualify for election to a municipal office. In addition, the proposed language highlights that the candidate eligibility requirement shall be a minimum of one-year continuous residency in the city and one-year continuous city elector status, for the time period immediately prior to the primary or election. In other words, a candidate will lose the candidate's eligibility to run for office if the candidate is no longer a city resident or city elector during the one-year time period immediately preceding the primary or election.

**Revision of Section 5.10. Commencement of term of office.**

The existing language is silent on whether a candidate who is deemed elected after a primary election can be sworn in to office within 3 days of the election and commence serving in office or whether such candidate must wait until the general election if there remain contested elections to be decided during the general election. The proposed language makes it clear that the term of office will commence at the same time for all candidates elected during the municipal election cycle. The proposed language also provides for the installation date to be extended if that date falls on a legal or city holiday. In 2007, the installation date was extended to Monday, November 26 because the installation date would have fallen on Friday after the Thanksgiving holiday, when city offices were closed.

**WHEREAS**, the rationale and summary of the proposed changes to Article IV. Administrative is as follows:

**Revision to Section 4.07(b)(1) Definitions.**

The existing language stated that temporary employees who are employed for less than 9 months are not members of the classified service. The existing language does not include temporary employees who are employed for 9 months or more, who are also not members of the classified service. For example, a temporary employee who has not taken or failed to pass a civil service examination for a city job or position is not a member of the classified service even if the employee has been employed for more than 9 months. The proposed change reflects existing civil service rules enforced by the Personnel Board that all temporary employees are not members of the classified service.

**Revision to Section 4.07(b)(3) Powers and duties of Personnel Board.**

This change will clarify that the Personnel Board has the power to subpoena witnesses to hearings to compel attendance before the Board. This power will assist the Board in requiring non-cooperative witnesses to appear as part of its fact-finding and decision making process, a residual power of the Personnel Board that has now been made explicit.

**Revisions to Section 4.07(b)(4) Personnel Board decisions.**

The proposed changes are intended to be consistent with the Hialeah Code and consistent with state law governing collective bargaining: (1) The mention of the applicable collective bargaining agreement as a supplement to the civil service regulations in relation to employee and employer rights. The applicable collective bargaining agreement is a negotiated contract that can overlap and supplement the civil service rules and also provide a framework of rights and duties between the employer and employee; (2) The identification of the human resources department as responsible for personnel administration, which is provided in Hialeah Code §§ 2-206 and 2-207; (3) The inclusion of procedural due process rights such as the right of parties to cross-examine witnesses, introduce evidence, present testimony and argument at hearings before the Personnel Board; (4) Provide an extension for scheduling discipline hearings beyond 20 days for good cause after a notice of appeal is filed and clarify the time for appeal of a suspension, reduction or removal as being 5 business days from date of receipt of disciplinary action to provide consistency.

**Revision to Section 4.07(d) Membership of boards.**

The existing language requires that all elective and appointive members to various boards of the City be resident electors of the City of Hialeah. This language conflicts with other provisions of the Hialeah Code that allows for non-residents to be members of the Retirement Board and the Oversight Committee of the Elected Officials Retirement System. In particular, Hialeah Code § 70-131(a)(3) allows for each of the three unions and management employees to have one trustee from each respective group so long as such trustee or board member is an active member of the retirement system, without regard to residency within the city and without regard to city voter status. Also, Hialeah Code § 70-131(a)(4) provides for the majority of the trustees to elect the seventh trustee, without regard to city residency or elector status. In addition, Hialeah Code § 70-529(a) requires that the city clerk and the finance director be members of the oversight committee of the Elected Officials Retirement System, whether or not each officer is a Hialeah resident.

**WHEREAS**, the rationale and summary of the proposed changes to Article III. Legislative are as follows:

**Revision of Section 3.03(g). Action requiring an ordinance.**

The adoption of an ordinance requires action taken by the City Council by voting separately at two City Council meetings. It is a time-consuming and formal process that should be reserved for items that require such deliberation and formality. The proposed change will eliminate the requirement of ordinance adoption in order to approve a city lease of city property. In most cases, the City will be receiving money as a landlord in connection with the approval of a lease and therefore, it is beneficial to the City to enter into such leases expeditiously and without unnecessary delay. The change will allow the City to approve leases by resolution, which will only require action to be taken by the City Council at one City Council meeting.

**Revision of Section 3.03(i). Action requiring an ordinance.**

This revision is intended to clarify existing language in order to more accurately describe current practice and provide consistency with other provisions of the Hialeah Code. The existing language provides that an ordinance is necessary for approval of land use and zoning regulation. Thus, the existing language does not specifically (although susceptible to interpretation when read in conjunction with other provisions of the Charter) exempt those land use and zoning actions taken by the City Council that are approved by resolution. In two circumstances, the City Council makes a decision or recommendation that is approved by resolution: (1) In the land use amendment process, the City Council may recommend a land use amendment for transmittal to the Department of Community Affairs, for further comment, by resolution, see Hialeah Code § 98-102(6); and (2) The City Council reviews and approves, modifies or denies final decisions of the Planning and Zoning Board on non-use adjustments, through de novo review, by resolution, see Hialeah Code § 98-36. Accordingly, this language more precisely describes the current practice and procedure of the city relating to zoning and land use matters as provided in the Hialeah Code.

**Revision of Section 3.08. Annual Budget**

The proposed change will provide for the creation of a Citizens Budget Advisory Committee that will submit comments and recommendations on the proposed budget to the Mayor prior to the presentation of the budget to the City Council for final approval. The purpose and intent of this change is to allow a committee of Hialeah residents to participate in the budget process in a meaningful way with direct access to the Mayor. Since the budget directly impacts both the level of services that the City provides to the community and the amount of ad valorem taxes, an appointed committee of resident taxpayers will now be given an opportunity to provide comment and recommendations prior to budget hearings and prior to the presentation of the budget to the City Council for approval and final adoption.

**WHEREAS**, the rationale and proposed changes to Article II. Mayor and City Council are as follows:

**Revision of Section 2.01(d) Mayor.**

This revision eliminates consecutive term limits for the Mayor. For most of the City's electoral history, the City operated without term limits. The Mayor's duties, within the framework of the strong mayor-strong council form of government, include the day-to-day administrative duties of a city manager. Unlike most cities, the Mayor's duties are not chiefly ceremonial or political in nature. The Mayor's duties are full-time and require special management expertise and administrative knowledge and experience, acquired over time, to effectively run government operations. To encourage candidates who are willing to dedicate the hours and hard work to run government as a chief executive and administrator and to further encourage elected officials to remain in office, there should be the incentive to reward long standing and continued good performance by removing consecutive term limits. In reality, the Mayor's city managerial duties would be no different over time than a city manager who has gained experience throughout an extended career as a civil servant. The electorate still reserves the right and power to vote the incumbent out of office.

**Revision of Section 2.02(d) City Council.**

This revision eliminates consecutive term limits for the City Council. For most of the City's electoral history, the City operated without term limits. If the Charter is amended to remove consecutive term limits for the Mayor, for the above-stated reasons, then consecutive term limits should be removed for the City Council. Since the government is a strong mayor-strong council form of government, then it is essential that the City Council have the same entitlements as the Mayor in order to maintain the proper balance of power.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The Charter of the City of Hialeah, Florida, particularly, Article II. Mayor and City Council, Article III. Legislative, Article IV. Administrative and Article V. Elections and specifically, Section 2.01(d), Section 2.02(d), Section 3.03(g), Section 3.03(i) Section 3.08, Sections 4.07(b)(1), (3) and (4), Section 4.07(d), Section 5.01, Section 5.03, Section 5.04, Section 5.05 and Section 5.10, is hereby amended to read, if approved by voter referendum, as follows:

**CHARTER**

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**ARTICLE II. MAYOR AND CITY COUNCIL****Section 2.01. Mayor.**

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~~(d) *Term limitations; effective date.* No person shall be elected to serve as mayor for more than 2 consecutive terms on and after November 13, 1997.~~

**Section 2.02. City Council.**

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~~(d) *Term limitations; effective date.* No person shall be elected to serve as councilmember for more than 3 consecutive terms on and after November 4, 1997.~~

(ed) *Compensation.* The annual salary of city councilmembers shall be approved as an annual budgetary item. Under circumstances where the council president or other elected person pursuant to paragraph 2.01(c) assumes the duties of the mayor, the council president shall receive the mayor's salary during the performance of the mayor's duties.

**ARTICLE III. LEGISLATIVE**

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**Section 3.03. Action requiring an ordinance.**

In addition to other acts that are required by law or this charter to be authorized by ordinance, the following actions shall also require adoption by ordinance:

- (a) Establish, alter or abolish any city office, department, board or agency.
- (b) Establish a rule or regulation that carries a penalty if violated.
- (c) Levy taxes or appropriate funds.
- (d) Grant, renew or extend a franchise.

- (e) Set service or user charges for municipal services or grant administrative authority to set service or user charges.
- (f) Authorize the borrowing of money.
- (g) Convey, sell, ~~lease~~, mortgage or grant an easement or other interest in real property.
- (h) Amend or repeal any ordinance previously adopted.
- (i) Zoning and land use regulation and decisions, with the exception of de novo consideration of nonuse adjustments and land use transmittals for comments.
- (j) Acceptance and confirmation of dedicated streets, roads, alleys or other rights-of-way for public use; or conversion of private streets, roads, or alleys to public rights-of-way.

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### **Section 3.08. Annual budget.**

(a) *Balanced budget.* Each annual budget adopted by the city council shall be a balanced budget.

(b) *Budget preparation.* The mayor shall direct the preparation of the budget. Prior to the presentation of the budget to the city council, the mayor shall receive comments and recommendations from a citizens budget advisory committee comprised of resident electors.

(c) *Budget adoption.* The city council shall adopt by ordinance the annual budget on or before the 30<sup>th</sup> day of September of each year. The annual budget shall be adopted according to state law, as amended. Advertised notice shall be published at least 10 days prior to adoption of the annual budget. If the city council amends the budget submitted by the mayor by increasing or decreasing the total amount of the budget, then the revised budget must be adopted after 2 readings of the amended ordinance. If the city council does not adopt a budget before the 30<sup>th</sup> day of September of a given year, then the prior year's budget shall be in effect until a tentative budget is adopted. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein.

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## **ARTICLE IV. ADMINISTRATIVE**

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**Section 4.07. City Boards.**

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(b) *Personnel board.*

(1) *Definitions.*

a. *Civil service system.* The city shall maintain a civil service system. The civil service system shall be divided into the classified and unclassified service. Employees in the classified service shall be members of the civil service system, subject to civil service rules and regulations approved by the city council. Employees in unclassified service are not members of the civil service system.

b. *Classified service.* All city personnel except elected officials or officers, members of boards, commissions and committees, part-time employees, independent contractors, provisional employees, temporary employees ~~who are employed for less than 9 months,~~ and city attorney and assistant city attorneys.

c. *Unclassified service.* City personnel who are not members of the classified service.

d. *Promotion.* A change from a position in any class to a position in another class that prescribes a higher maximum rate of pay shall be considered a promotion.

(2) *Appointment, membership, term of office.* A personnel board, consisting of 5 members who are resident electors appointed by the city council, is created. The term of office shall be 2 years, staggered with 3 positions commencing on years ending in odd numbers and 2 positions commencing on years ending in even numbers. The nomination process shall be provided in the code of ordinances. Members shall serve without compensation and shall understand the merit principle as applied to civil service.

(3) *Duties and powers.*

a. Advise administration on personnel issues.

b. Implement civil service rules and regulations approved by the city council, having the force and effect of law.

c. Establish reemployment lists for classified service positions containing former members of classified service who performed satisfactorily in city employment and who are entitled to appointment or employment over names on employment lists.

d. Give competitive standardized tests under the direction of the ~~personnel~~human resources director to determine qualifications of candidates for promotion to higher positions or for entrance to classified service; and to establish employment lists for eligible

candidates for promotion or appointment in order of test performance or test achievement. The board may approve noncompetitive tests for positions that require special or exceptional scientific, managerial, professional or educational qualifications. Noncompetitive tests may be approved where the character of work and conditions of employment or compensation render it impractical to obtain sufficient qualified candidates to satisfy city's needs through competitive testing.

e. Certify employment lists of eligible candidates from which vacancies may be filled from the 3 highest-ranking names.

f. Establish probation periods to observe if a promoted or new employee is performing duties satisfactorily. Employees shall satisfactorily complete probation periods not less than 9 months (promotional) and not more than 12 months (new employee) or as otherwise provided in collective bargaining agreements.

g. Establish a procedure for reclassifying classified civil service employees with the requisite minimum qualifications and testing requirements from one classification to another within the same pay range.

h. Establish procedures for reviewing suspensions, reductions or removals of classified service officers or employees for misconduct, inefficiency or other good reasons; and hearing appeals from suspensions, reductions or removals.

i. Conduct investigations as requested by the city council on the administration and effect of personnel rules, regulations and charter provisions.

j. Compel presence of witnesses by subpoena.

(4) *Decisions; review of suspension, reduction or removal.*

a. *Employee and employer rights.*

1. Any employee in classified service, who is serving under provisional or temporary appointment, may be suspended, reduced in pay or class, or removed by the mayor, with or without cause, subject to civil service regulations or as otherwise provided in the applicable collective bargaining agreement. All recommendations shall be submitted to the human resources department in ~~charge of personnel administration~~ for review and approval by the appointing authority.

2. Any officer or employee in classified service, who has been appointed from a certified reemployment or employment list, may be suspended, reduced in pay or class, or removed for cause at any time during the working test (probationary) period by the mayor subject to civil service regulations, or as otherwise provided in an

applicable collective bargaining agreement, by providing written notice of the action taken to the employee, together with reasons for the suspension, reduction or removal. A copy of the statement shall be provided to the city's personnel administration human resources department.

3. Any employee in classified service, who has completed the working test period, may be suspended, reduced in pay or class or removed by the mayor subject to civil service regulations and applicable collective bargaining agreement provisions, in the following manner and as supplemented by administrative rule. Written notice of suspension, reduction or removal, together with reasons and effective date, shall be mailed or hand-delivered to the affected employee. Within 5 business days of receipt, the affected employee or officer may appeal in writing to the personnel board for a hearing. The personnel board shall set a public hearing date for the employee or officer to personally appear and be heard no later than 10 days after the notice of appeal is filed or within 20 days upon agreement of the city and employee or officer, unless extended for good cause. The board shall receive evidence at the hearing and testimony of witnesses to ascertain the facts. The employee may appear with or without counsel and the city and employee shall have the right to cross-examine witnesses, introduce evidence and present testimony and argument respectively.

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(c) *Other boards or agencies provided in city code.* The city council shall establish or terminate, by ordinance, such boards and agencies, as it may deem advisable from time to time. The boards and agencies shall report to the city council.

(d) *Membership; removal of board members.* All members of appointive or elective boards of the city shall be resident electors, with the exception of the board of trustees for the employee retirement system and the oversight committee of the elected officials retirement system as provided in the city code. A boardmember may be removed for just cause, after notice and public hearing, upon an affirmative vote of at least 5 councilmembers. Membership on a board is automatically forfeited if the boardmember is absent 3 times during a calendar year, if the board regularly meets no more frequently than once monthly, or 6 times during a calendar year, if the board regularly meets twice monthly.

**ARTICLE V. ELECTIONS.****Section 5.01. Electors.**

Any person who is a resident of the city, has qualified as a Florida elector and ~~registers to vote in the manner prescribed by law~~ has been assigned a voter registration number by the county supervisor of elections to vote in a city precinct shall be an elector of the city.

**Section 5.02. Nonpartisan elections.**

All elections for the offices of mayor and councilmember shall be conducted on a nonpartisan basis.

**Section 5.03. Primary elections.**

(a) A primary election shall be held ~~1-week~~ 2 weeks prior to each general election, provided that 2 or more people are seeking the office of mayor or that 2 or more people are seeking the office of councilmember in any particular group.

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**Section 5.04. General elections.**

General elections shall be held on the ~~second~~ third Tuesday of November of each odd numbered year or as otherwise extended by state law or ordinance.

**Section 5.05. Qualifications.**

Candidates for mayor or for any particular councilmember group seat shall be residents and electors of the city continuously for a minimum of 1 year immediately prior to the primary or election to which that person intends to seek election and shall qualify for election by filing a notice of written candidacy with the city clerk at such time and in such manner as shall be prescribed by ordinance and by payment of a \$100.00 filing fee and by payment of an assessment according to state law, unless exempted from payment, to the city clerk. No person may be a candidate for more than one city office at any one election.

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**Section 5.10. Commencement of term of office.**

The term of office of any elected official will commence on the third day after his or her election at 12 o'clock noon, at which time the newly elected official shall be given an oath of office and installed in office, or as provided by state law. The commencement

date for all offices in the city municipal election shall be the same date whether the candidate is elected during the primary or general election. The term of office shall commence on the third day at 12 o'clock noon after the last candidate in the city municipal election is elected, unless the commencement date falls on a legal or city holiday in which case the term of office will commence on the next day that is not a legal or city holiday.

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**Section 2:** The Mayor and the City Council of the City of Hialeah, Florida hereby submit the following question to the electorate at a special election to be held during the County-designated Primary Election on Tuesday, August 26, 2008, to which the electors of the City of Hialeah, Florida may vote "Yes" or "No":

**"SHALL THE CITY AMEND ITS CHARTER CREATING CITIZENS BUDGET ADVISORY COMMITTEE; EXTENDING GENERAL ELECTION FROM ONE WEEK TO TWO WEEKS FROM PRIMARY ELECTION; REDEFINING RESIDENT ELECTORS TO MEAN RESIDENT VOTERS ASSIGNED TO VOTE IN A HIALEAH DISTRICT; PROVIDING ONE SWEARING-IN DATE EACH ELECTION CYCLE; REMOVING ORDINANCE REQUIREMENT FOR APPROVING LEASES; ELIMINATING TERM LIMITS FOR MAYOR AND COUNCILMEMBERS; UPDATING CHARTER LANGUAGE REGARDING PERSONNEL BOARD AND GENERALLY TO BE CONSISTENT WITH STATE LAW AND HIALEAH CODE?"**

**Section 3: Conduct of Election.**

The Miami-Dade County Supervisor of Elections is requested and authorized to conduct these elections in accordance with the general election laws of the State of Florida and the Charter and Code of the City of Hialeah, Florida. The City will pay all expenses associated with these elections unless some of the expenses are shared with other governmental entities. The Miami-Dade County Supervisor of Elections shall

appoint an Election Board to assist the Elections Department in conducting the elections.

The City of Hialeah will make the final tabulation and certification of results.

**Section 3. Form of Ballot.**

The ballot form to be used shall be as provided by the Miami-Dade County Supervisor of Elections.

**Section 4. Opening and Validating Absentee Ballots.**

The criteria and requirements for the opening and validating of absentee ballots and canvassing of ballots shall be same as followed by the Miami-Dade County Supervisor of Elections. All absentee ballots shall comply with the minimum requirements of state law.

**Section 5. Canvassing Board.**

City Councilmembers, who are not running for elective office, shall serve as the City Canvassing Board for the sole purpose and function of certifying the election results as provided in Section 6. The City of Hialeah hereby designates the Miami-Dade County Canvassing Board to publicly canvass the absentee ballots.

**Section 6. Certification of Results.**

The City Canvassing Board will make the official certification of the special election results on or about 12:00 noon on Tuesday September 2, 2008, at a special meeting seven days following the special election for all ballots cast in the election, including provisional ballots, if any.

**Section 7: Registration of Voters.**

The Miami-Dade County Supervisor of Elections will register voters for the special election until 5:00 p.m., on Tuesday, July 28, 2008. All persons eligible to vote at

these elections must be registered before the times stipulated above or have registered previously, as provided by law.

**Section 8: Polling Places, Hours of Voting.**

Polling places for these elections will be as designated by the Miami-Dade County Supervisor of Elections and will be open from 7:00 a.m. to 7:00 p.m. on Election Day. The times and dates of early voting shall be provided in accordance with the early voting schedule provided by Miami-Dade County for voters in Miami-Dade County.

**Section 9: Notice.**

Notice of these elections shall be according to state law.

**Section 10. Inclusion in Charter**

The Charter Amendments provided in this ordinance shall be included and incorporated in the Charter of the City of Hialeah, Florida if the question presented is answered in the affirmative by a referendum of the electors of the City of Hialeah, Florida and the results of the election are certified. The effective date of these Charter Amendments shall be January 2, 2009.

**Section 11: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 12: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall

occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 13: Severability Clause.**

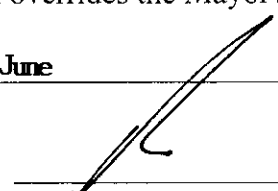
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 14: Effective Date.**

This Ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED and ADOPTED this 10th day of June, 2008.

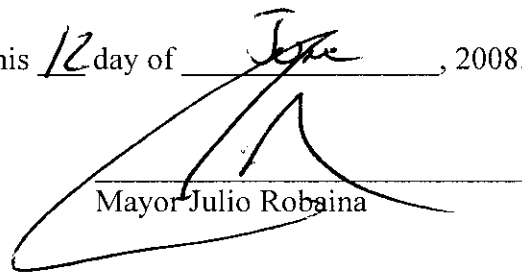
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

Attest:

Approved on this 12 day of June, 2008.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, García-Martínez, González, Hernández, and Yedra voting "Yes".